

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

DARRELL OWENS,)	
)	
Petitioner,)	
)	No. 1:05-CV-213
v.)	
)	Chief Judge Curtis L. Collier
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

FINAL JUDGMENT ORDER

For the reasons expressed by the Court in its memorandum opinion filed herewith, it is **ORDERED** that all claims of Petitioner Darrell Owens (“Petitioner”), in his motion under 28 U.S.C. § 2255 (Court File No. 1), are **DENIED AND DISMISSED WITH PREJUDICE**.

In addition, the Court has reviewed this case pursuant to Rule 24 of the Federal rules of Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by Petitioner for leave to proceed *in forma pauperis* on appeal is **DENIED**. Fed. R. App. P. 24.

Further, should Petitioner file a timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since, he has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Rule 22(b) of the Federal Rules of Appellate Procedure. As discussed in the memorandum opinion filed herewith, Petitioner's claims are clearly without merit and he cannot present a question of some substance about which reasonable jurists would differ. *Slack v. McDaniel*, 529 U.S. 473, 483-84

(2000) (“To obtain a COA under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a constitutional right, a demonstration that, under *Barefoot* v. *Estelle*, 463 U.S. 880, 894 (1983)] includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” (citation omitted)). Thus, a Certificate of Appealability will not issue.

This is a **FINAL ORDER**. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT